

RESOLUTION NO. _____

RESOLUTION OF THE
MAYOR AND CITY COUNCIL
TO APPROVE SCHEMATIC DEVELOPMENT PLAN SDP-03-005, TO
AMEND SCHEMATIC DEVELOPMENT PLAN SDP-3
FROM 353,201 SQUARE FEET OF BUILDING AREA TO 373,201 SQUARE FEET OF
BUILDING AREA, LOCATED AT 317 KENTLANDS BOULEVARD,
SECTION 1, PARCEL L, BLOCK Q, 33.75 ACRES, IN THE MIXED USE
DEVELOPMENT (MXD) ZONE, GAITHERSBURG, MARYLAND

SDP-03-005

OPINION

This proceeding constitutes an action pursuant to §24-160D of the Zoning Ordinance (Chapter 24 of the Gaithersburg City Code) which authorizes the Mayor and City Council to review and approve a schematic development plan in the MXD (Mixed Use Development) Zone; and further, §24-160D.10 and 24-160D.11 in which the Mayor and City Council may approve an amendment to a schematic development plan, consistent with the procedures for amendment of optional method plans as provided in §24-198(c) of the City Code.

The subject property, Section 1, Parcel L, Block Q, Kentlands, is located at 317 Kentlands Boulevard, Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone.

OPERATIVE FACTS

The subject parcel is in Kentlands, located at 317 Kentlands Boulevard, is bordered by Great Seneca Highway and Kentlands Boulevard, and consists of approximately 33.75 acres of land.

In March of 1992, the Mayor and City Council adopted Resolution No. R-21-92 approving Schematic Development Plan SDP-3, identified as Phase III, Section I of Kentlands, Phases 1 and 2 of the Beatty Open Center. SDP-3 was the first commercial center in the Kentlands community. SDP-3 included 344,977 square feet of retail building area and 27,574 square feet of garden center area.

A joint public hearing was held on schematic development plan SDP-03-005 on Monday, June 2, 2003, before the Mayor and City Council and Planning Commission. This plan is an amendment to schematic development plan SDP-3 approved on March 2, 1992. The hearing had been advertised in the *Gaithersburg Gazette* on May 14, 2003 and May 21, 2003, with the required parties given notice and the property posted per §24-196 of the City Code.

The Mayor and City Council and Planning Commission have reviewed the amendment to the schematic development plan submitted by the applicant and the evidence of record. The Schematic Development Plan, as submitted, requested a change in land use from 353,201 square feet of building area to 373,201 square feet of building area.

The site plan includes four single-story buildings totaling 20,000 square feet of retail/commercial land use located along the entrance drive within the existing parking area to the west of the existing retail building on Parcel "L". Two of the buildings are proposed to be connected via a covered walkway (buildings B&C), while the other two buildings stand alone. The intent of the placement of the buildings is to create an enhanced public realm that is more accommodating to pedestrians than that which currently exists. The building material is brick and EFIS (Exterior Finish Insulation System), and the plan includes a complete landscape plan.

At the June 2, 2003 Joint Public Hearing, the Planning Commission voted unanimously to close their record in eleven days, on June 13, 2003, and the City Council voted unanimously to close their record in thirty days, on July 2, 2003.

The Planning Commission, at their regular meeting of June 18, 2003, reviewed the complete record and voted to recommend approval of SDP-03-005 to the City Council with five (5) conditions as stated in Exhibit 12 of the record.

Given the complexities of a reciprocal easement agreement between adjacent property owners and other landlord/tenant issues, it is expected that up to 6,000 sq. ft. will be constructed first on pad site "B" and the remaining square footage up to a total of 20,000 square feet will be constructed during a second phase.

FINDINGS

The City Council has reviewed the evidence of record in Schematic Development Plan SDP-03-005 per §24-160 D.10 and agrees with the findings and recommendations of the City Planning Commission and accordingly finds:

1. Based upon the evidence of record, the City Council finds that approval of the SDP-03-05 will provide for a comprehensive and systematic development of the City; is capable of accomplishing the purposes, objectives, and minimum standards and requirements of the MXD Zone [§24-160D and §24-198(c) of the Zoning Ordinance of the City of Gaithersburg], and does not adversely affect the health or safety of persons residing or working in other sections of this

development or in the neighborhood thereof. The approval of this Schematic Development Plan Amendment will not be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties, will not be incompatible or inharmonious with the other existing uses or with existing or proposed adjacent development and will not be inharmonious or inconsistent with the environmental standards of the City. Further, the amendment is consistent with the land use element of the master plan and is appropriately phased for development.

2. The plan will be internally and externally compatible and harmonious with existing and proposed land uses in the area in terms of the proposed commercial nature and use and its interrelationship with the existing and proposed land uses. The proposed plan contains new streetscape elements that do not currently exist on Parcel "L" such as new sidewalks, street trees and open areas. These streetscape elements will enhance the public realm to create a public appearance and function and is more accommodating to pedestrians than currently exists in the area or was previously planned for this site.
3. The architectural features are compatible with the adjacent development in the Kentlands area in terms of scale, appearance and location. The plan's proposal to place four one-story buildings ("B", "C", "D" and "E") in close proximity to the main entrance aisle will create an improved public realm and functionality that is more accommodating to pedestrians beyond that which currently exists on Parcel "L".
4. The existing public facilities including roads, entrance drives, and sidewalks are adequate to service the proposed development. Public facilities are in place to support this amendment and no evidence suggest problems of capacity or safety.
5. A parking study has been provided to and reviewed by the Mayor and City Council and the Planning Commission that includes all uses in the schematic development plan area. The City Council has determined that the appropriate approximate number of parking spaces is 1,683 parking spaces for the schematic development plan and that a shared parking agreement between the owners of Parcel 'K' and Parcel "L" does exist. The City Council further determined that at the time of final site plan approval the Planning Commission shall determine the final number of spaces, based upon considerations of safety, convenience, pedestrian and vehicular circulation, and landscaping within parking lot areas. In addition the Planning Commission may reduce the number of spaces required for any use in Article XI, section 24-219(b) of the City Code where such reduction will meet the purposes of the MXD Zone.
6. A phasing plan for the development to allow up to 6,000 sq. ft. to be constructed

first on pad site "B" and the remaining square footage up to a total of 20,000 square feet on pad sites "C", "D", and "E" at a future date is appropriate and consistent with the previously approved 6,000 sq. ft. on pad site "B".

7. The amendment would be in the public interest. The appearance of the area will be improved by the proposed streetscaping and the plan provides for a more pedestrian friendly appearance and functionality. This achieves along with the location and siting of the buildings more of an appearance and function of a true Town Center which is a vital element in the planning of the Kentlands commercial area.

CONCLUSION

Upon consideration of all the evidence pertaining to Schematic Development Plan SDP-03-005, an amendment to SDP-3, the City Council concludes that the applicant has met the burden of proof that Schematic Development Plan SDP-03-005 meets the requirements of the MXD zone.

SCHEMATIC DEVELOPMENT PLAN (SDP-03-005)

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on July 21, 2003, that Schematic Development Plan SDP-03-005 is hereby approved subject to the following conditions:

1. Applicant is to continue to work with staff on the final building layout and architectural design as well as the type and location of building signage. The final building layout, design, elevations and building signage are to be reviewed and approved by the Planning Commission during the final site plan process;
2. Applicant is to remove the access drive between Buildings D & E to provide an additional pedestrian-friendly plaza;
3. Applicant is to provide additional landscaping around the proposed buildings and the pedestrian plazas between Buildings C & D and Buildings D & E. The final landscape plan is to be reviewed and approved by the Planning Commission during the final site plan process;

4. Applicant is to continue to work with staff on the streetscape design including the street widths, sidewalk widths, street trees, planting strips, and sidewalk locations. The streetscape is to be consistent with other similar projects in the City of Gaithersburg. The applicant is to work closely with City Staff to incorporate a final streetscape design of high quality to be reviewed and approved during the final site plan process;
5. Before the granting of any parking waivers, the applicant is to execute a shared parking agreement that accommodates the off-site parking per the parking waiver request;
6. The Planning Commission may approve any reasonable request to reduce the required parking where such reduction will meet the purposes of the MXD Zone and;
7. Applicant may construct up to 6,000 square feet of development on pad site "B" after site plan approval and an additional 14,000 square feet to a total development of 20,000 sq. ft. during a second phase of development.

ADOPTED by the City Council of the City of Gaithersburg on the 21st day of July, 2003.

Sidney A. Katz, Mayor and
President of the Council

THIS IS TO CERTIFY that the foregoing resolution was adopted by the City of Gaithersburg Mayor and City Council in a public meeting assembled on the 21st day of July, 2003.

David B. Humpton, City Manager